

05

CPSC-1-05-0009

INTERAGENCY AGREEMENT

BETWEEN THE

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AND THE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

I. INTRODUCTION

The U.S. Consumer Product Safety Commission, hereinafter referred to as CPSC, and the National Institute of Standards and Technology, hereinafter referred to as NIST, hereby agree that NIST shall provide technical support for finalizing a fire test method for mattresses and provide the subsequent findings to CPSC, in accordance with the terms and conditions set forth below. This IAG will allow CPSC staff to carry out its work in mattress standards development.

II. TITLE:

Fire Test Method for Mattresses

III. PURPOSE AND OBJECTIVES:

The purpose of this project is to provide additional technical support for finalizing a full-scale fire test method to evaluate mattress flammability and finalizing a full-scale fire test protocol.

The objectives of this project are to:

- A. Provide additional technical support for finalizing test protocol and appropriate requirements of mattress flammability standards;

- B. Evaluate the effectiveness of mattress designs and potential design vulnerabilities relating to mattress fire performance;
- C. Conduct laboratory verification tests to correlate with tests conducted by CPSC staff and assist CPSC staff with finalizing test protocol and conducting the test using the developed methodology.

IV. BACKGROUND:

Mattress and bedding fires continue to be one of the major contributors to residential fire deaths. Based on national fire estimates for the five-year period between 1995-1999, ignition of mattresses and bedding resulted in an estimated 19,400 residential fires, 440 deaths, 2,230 injuries, and \$273.9 million in property loss annually. Most of these losses could be addressed by an open flame standard for mattresses.

In October 2001, the U.S. Consumer Product Safety Commission voted to issue an advance notice of proposed rulemaking (ANPR) to develop a mandatory open-flame standard for mattresses. CPSC staff analyzed public comments received on the ANPR and prepared a package for the Commission with a draft notice of proposed rulemaking (NPR) including a draft proposed mattress flammability standard. The Commission published the proposed standard in the *Federal Register* on January 13, 2005. The proposed standard would establish flammability requirements that all mattresses and mattress/foundation sets must meet before sale or introduction into commerce. CPSC staff is analyzing the comments received in response to the NPR and preparing a package with a draft final rule for consideration by the Commission. Additional technical support is needed to respond to public comments and support the draft final rule.

NIST shall provide the technical support and methodology for evaluating the CPSC-proposed full-scale fire test method for mattresses.

V. STATEMENT OF WORK

The following tasks are to be completed by NIST under this IAG:

Task 1. In the form of an extended letter report, summarize the earlier development of the CPSC test apparatus for screening mattress material composites and associated test results.

Task 2. Determine the effect of the changed, larger burner holes on peak burner heat flux. Discuss implications for representing bedclothes exposures and provide recommendation on appropriate burner hole size for the NIST developed burner specified in CPSC proposed standard.

Task 3. Determine appropriate time between removal of mattress sample from environmentally controlled storage and the initiation of flammability testing including a recommendation as to the maximum allowed time for exposure to fire test room conditions.

Task 4. Evaluate the vulnerability of one-sided mattresses under varying foundation conditions using full-scale tests with bedclothes.

Task 5. Conduct additional full-scale validation tests of mattress designs to correlate with tests conducted by CPSC staff.

Task 6. Assist CPSC staff with issues relating to application of test protocol to unusual mattress designs and conducting the test using the developed methodology.

VI. NIST FURNISHED MATERIALS/EQUIPMENT

NIST agrees to furnish all necessary personnel (except as noted in VII), equipment, materials, services, and facilities to complete the objectives listed in Section III.

VII. CPSC FURNISHED MATERIALS/EQUIPMENT

CPSC will provide test samples. CPSC staff will provide additional assistance as needed.

VIII. CONFIDENTIALITY REQUIREMENTS

- A. All information reported to or otherwise obtained by CPSC or its agents under the Consumer Product Safety Act (CPSA) and provided to or shared with NIST, which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, or subject to section 552(b)(4) of the title 5, United States Code, shall be held in confidence by NIST personnel.
- B. To the extent permitted by law, including the Freedom of Information Act, NIST agrees not to release the identity of any manufacturer of any product being tested or reviewed (example: ticking materials, foams, barrier fabrics) in conjunction with this IAG without the written consent of the CPSC
- C. All documents and other materials developed pursuant to this IAG shall have appropriate statements to indicate that the work was performed pursuant to the IAG by NIST; that the documents and other materials produced are the views of the staff or members (present or past) of NIST; and that although the documents and other materials may have been developed in conjunction with CPSC staff, the documents and other materials do not necessarily represent the views of the Consumer Product Safety Commission.
- D. Any publications of or publicity pertaining to, the work performed under this Agreement shall include the following:

"This project was funded by CPSC. The content of this publication does not necessarily reflect the views of the Commission, nor does mention of trade names, commercial products, or organizations imply endorsement by the Commission or the USFA."

IX. PERIOD OF PERFORMANCE

The period of performance shall begin on the effective date and shall not extend beyond 360 calendar days. This agreement may be modified by mutual consent of CPSC and NIST.

X. DELIVERY OR PERFORMANCE

All deliverables required under the terms and conditions of this IAG shall be provided to the CPSC. The following items shall be performed or delivered in accordance with the following schedule:

	DELIVERY ITEM	QUANTITY	PERFORMANCE
A.	Quarterly progress reports to include, but not limited to: project status, costs incurred for quarter just ended, problems encountered or anticipated and plans for the succeeding quarter	1 copy	Within thirty (30) calendar days after the end of each quarter
B.	A draft final report, including Task 1 letter report for review and and comment	1 copy	No later than 300 days before the end of 360 calendar day test period.
C.	A final technical report, including the Task 1 letter report	12 copies	No later than the end of 360 calendar day test period.
D.	Representative photographs, graphs, and videos of the tests	2 copies	No later than the end of 360 calendar day test period.

XI. DISAGREEMENTS

In the event that CPSC and NIST have a disagreement arising under this interagency agreement, the parties shall cooperatively seek to resolve the disagreement by themselves. If the disagreement cannot be resolved between them, the

parties agree to seek the assistance of a third party in resolving the disagreement.

XII. SCHEDULE OF TASK COST AND PERFORMANCE

CPSC agrees to allow NIST to make adjustments as needed in the distribution of resources, as long as the total cost of the project is not increased and the project objectives are all met.

TASK	DESCRIPTION OF TASK	EST.COST PER TASK	EST. TIME FOR EACH TASK
Task 1.	Summarize the CPSC mattress materials test apparatus development in the form of an extended letter report.	\$6K	180 calendar days
Task 2.	Determine the effect of burner hole size on peak burner heat flux and provide recommendation on appropriate burner hole size for NIST developed burner specified in CPSC proposed standard	8.5K	60 calendar days
Task 3.	Determine appropriate time between removal of mattress sample from storage and the initiation of flammability testing including a recommendation as to the maximum allowable time for exposure to fire test conditions.	\$4K	60 calendar days
Task 4.	Evaluate the vulnerability of one-sided mattresses under varying foundation conditions using full-scale tests with bedclothes.	\$17K	180 days
Task 5.	Conduct additional full-scale validation tests of mattress designs to correlate with tests conducted by CPSC staff.	\$17K	180 days
Task 6.	Assist CPSC staff with issues relating to application of test protocol to unusual mattress designs and with conducting the test using the developed methodology and specific test protocol.	\$10K	360 days

XIII. LIAISON OFFICERS

A. NIST PROJECT OFFICER

Thomas J. Ohlemiller
National Institute of Standards and Technology
Building and Fire Research Laboratory
Polymers Building, Building 245
Gaithersburg, MD 20899-8642

Phone: (301) 975-6481

B. CPSC PROJECT OFFICER

Allyson Tenney
U.S. Consumer Product Safety Commission
Engineering Sciences Directorate
4330 East West Highway, Suite 611
Bethesda, MD 20814
Phone: (301) 504-7567

C. CPSC FINANCIAL OFFICER

Consumer Product Safety Commission
Directorate for Administration
Accounting Operations
Room 522
Washington, D.C. 20207

AGENCY PAYMENT OFFICER: Ms. Deborah Peebles Hodge
Telephone (301) 504-7130

XIV. COST AND TRANSFER OF FUNDS

The total estimated cost for this IAG is estimated at \$62.5K, provided with CPSC FY-05 funds.

XV. FUNDING AND ACCOUNTING DATA

The transfer of funds shall be from CPSC to NIST through the On-Line Payment Collection (OPAC) system using the following accounting data:

Transfer From:

CPSC

05 PS EXOB 4400 21326 253a

\$62,500.00

DUNS # 069287522
ALC 61-00-0001
TIN 520978750
US Treas 6150100

To:

NIST

13-06-0001 13X4650

NIST Taxpayer ID Number: 530-20-5706

XVI. AUTHORITY

Section 27(g) of the Consumer Product Safety Act, (15 U.S.C. 2076(g)),

Section 29(d) of the Consumer Product Safety Act, (15 U.S.C. 2078(d))

XVII. FASA COMPLIANCE

As the servicing agency, NIST agrees to act in full compliance with section 1074 of the Federal Acquisition Streamlining Act (FASA) of 1994, entitled "Economy Act Purchases."


Approved and Accepted for
National Institute of Standards
and Technology

Approved and Accepted for
Consumer Product Safety
Commission

BY:

TITLE:


DATE:


JON ALEXANDER
CHIEF FINANCE DIVISION
8/8/05

BY:

TITLE:

DATE:


Donna Hutton
Contracting Officer
8/15/05

05

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 08/25/2005		4. REQUISITION/PURCHASE REQ. NO.	
5. PROJECT NO. (If applicable)		6. ISSUED BY CODE ES		7. ADMINISTERED BY (If other than Item 6) CODE CPSC	
CONSUMER PRODUCT SAFETY COMMISSION DIRECTORATE FOR ENGINEERING SCI 4330 EAST WEST HIGHWAY ROOM 611-16 BETHESDA MD 20814		CONSUMER PRODUCT SAFETY COMMISSION 4330 EAST WEST HIGHWAY BETHESDA MD 20814			
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ATTN THOMAS J OHLE MILLER 100 BUREAU DRIVE MS-162 GAITHERSBURG MD 20899-3732		(x)		9A. AMENDMENT OF SOLICITATION NO.	
				9B. DATED (SEE ITEM 11)	
		X		10A. MODIFICATION OF CONTRACT/ORDER NO. CPSC-I-05-0009	
				10B. DATED (SEE ITEM 13) 08/15/2005	
CODE 929956050		FACILITY CODE			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required.)
05-PS-EXOB-4400-21326-253A
Net Increase: \$12,000.00

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(x)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO THE AUTHORITY OF: UNILATERAL MODIFICATION, FAR 43.103(b)
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☒ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Tax ID Number: 530205706

DUNS Number: 929956050

Modification No. 0001 provides an additional task (Task 7) as follows:

SEE ATTACHED CHANGES

Delivery: 08/20/2006

FOB: Destination

Discount Terms:

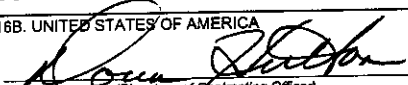
Net 30

Period of Performance: 08/15/2005 to 08/15/2006

Delivery Location Code: ES

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Donna Hutton	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)	16C. DATE SIGNED 8/25/05

(Signature of person authorized to sign)

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
CPSC-I-05-0009/0001

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NAME OF OFFEROR OR CONTRACTOR
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	CONSUMER PRODUCT SAFETY COMMISSION DIRECTORATE FOR ENGINEERING SCI 4330 EASTWEST HIGHWAY ROOM 611 BETHESDA MD 20814 USA				

MODIFICATION NO. 0001 CHANGES

PARAGRAPH V., STATEMENT OF WORK, add the following new task:

Task 7. Conduct full-scale mattress tests to evaluate the flammability performance (durability) of selected barriers that contain fire-retardant chemicals after exposure to water/moisture.

PARAGRAPH XII., DESCRIPTION OF TASK, add the following new task:

DESCRIPTION OF TASK	EST.COST PER TASK	EST.TIME FOR EACH TASK
Task 7. Conduct full-scale mattress tests to evaluate the flammability performance (durability) of selected barriers that contain fire-retardant chemicals after exposure to water/moisture.	\$12K	180 days

PARAGRAPH XIV., COST AND TRANSFER OF FUNDS, add the following:

The total cost for this IAG Modification is estimated at \$12K, provided with CPSC FY-05 funds. The IAG Modification will increase the total cost of this IAG from an estimated cost of \$62.5K to an estimated cost of \$74.5K, provided with CPSC FY-05 funds.

PARAGRAPH XV., FUNDING AND ACCOUNTING DATA, add the following:

Transfer From:

CPSC	
05 PS EXOB 4400 21326 253a	\$12,000

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.